



Phone (505) 546-8848 • Fax (505) 546-6442
E-MAIL: deming@cityofdeming.org • Website: www.cityofdeming.org
P.O. BOX 706 • DEMING, NEW MEXICO 88031
POPULATION 14,000

CITY COUNCIL MEETING

January 14, 2013

4:00 P.M. CITY COUNCIL WORKSHOP

6:00 P.M. CITY COUNCIL MEETING

AGENDA

Call to Order

1. Consent Agenda

- A. Minutes - City Council Workshop and Regular Meeting 12/10/12
- B. Minutes - Planning and Zoning Commission Meeting 12/17/12
- C. Minutes - Airport Commission Meeting 12/11/12
- D. Minutes - Tourism Development Committee Meeting (no meeting)
- E. Minutes - Marshall Memorial Library Board Meeting (no meeting)
- F. Minutes - Parks Commission Meeting (no meeting scheduled)
- G. Minutes - Historic Landmark Commission (no meeting scheduled)
- H. Out of State Travel Request: Management requests approval for Richard McInturff and Vicki Engle to travel to San Antonio, Texas, to attend the 2013 National Public Employers Labor Relations Annual Training Conference on April 7-11, 2013.
- I. Resolution Adopting the City Section 3 Plan
- J. Resolution Adopting the City Residential Anti-Displacement and Relocation Assistance Plan
- K. Resolution Adopting the City Citizen Participation Plan
- L. Resolution To Determine what Constitutes Reasonable Notice of Public Meetings as Required by the Open Meetings Act, Section 10-15-1 (D)
- M. Resolution Adopting Regulations Regarding the Procurement Process
- N. Resolution Adopting Regulations Governing The Per Diem and Mileage Act Pursuant to NMAC 2.42.2
- O. Ratification of Appointments to Labor-Management Relations Board for Labor and Management Representatives
- P. Approval of Appointment of City Liaison to Tourism Development Committee Board

2. Public Forum

- 3. Public Hearing to Consider a Resolution Designating a Metropolitan Redevelopment Area
- 4. Acceptance of the June 30, 2012 Financial Audit

5. Resolution to Grant Designated Personnel Authority on the Asset Management Account with Multi-Bank Securities, Inc.
6. Resolution to Designate the City of Deming as a Colonia
7. IRB Inducement Resolution Regarding Affordable Solar/City Project
8. Approval of the Alleyway Abandonment: City of Deming, Boles Survey Addition, Block 79.
9. Approval of a Roadway Vacation: City of Deming Industrial Park, A 285 foot portion of Peralta Avenue
10. Approval of Job Descriptions for: Financial Services Manager, Financial Operations Officer, Engineering Technician I, Public Works Superintendent, Administrative Secretary/Assistant Deputy Clerk, Human Resources Specialist/Safety Officer
11. Approval for Purchase of Utility Easements and Miscellaneous Parcels
12. Adjourn Meeting

The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., February 11, 2013.

CITY COUNCIL WORKSHOP MINUTES January 14, 2013

Council Present: Linda Franklin, Mayor Pro Tem

Council Absent: Andres Z. Silva, Mayor
David Sanchez, Councilor

Joe "Butter" Milo, Councilor
William Shattuck, Councilor

Staff Present: Richard McInturff, Administrator
Aaron Sera, Asst. Administrator
Vicki Engle, Human Resource Coord.
Patricia Rodriguez, Receptionist

Gina Gentile, City Planner
Michael Carrillo, Police Chief
Edgar Davalos, Fire Chief

Recording Secretary: Lila Jasso, Administrative Secretary

City Council and staff members of the City of Deming, New Mexico held a workshop on January 14, 2013 at 4:00 p.m. to discuss items of the City Council Agenda in preparation for the regularly scheduled meeting, held at 6:00 p.m. the same day. The following items of the agenda were discussed as follows:

Consent Agenda: Mayor Pro-Tem Franklin asked Council and members of staff if there were any items in the Consent Agenda they wished to discuss. Mr. McInturff stated that the agenda contained more items than usual, but the items I - N were routine resolutions that are past each year. Items O and P were also routine of the normal procedures.

Public Hearing to Consider a Resolution Designating a Metropolitan Redevelopment Area: Mr. Sera stated that he will present this item. He stated that Charlie Deans of Community by Design, a consultant for New Mexico MainStreet, will be here to give that presentation. Mr. Deans will explain the amendment to the map outlining the area to be designated to include the entire area of Silver Avenue from Cedar Street to Ash Street as Exhibit A. The resolution will be presented to designate the area as a Metropolitan Redevelopment Area.

Acceptance of the June 30, 2012 Financial Audit: Mr. McInturff will recap the June 30, 2012 audit and to City Council.

Resolution to Grant Designated Personnel Authority on the Asset Management Account with Multi-Bank Securities, Inc.: Mr. McInturff explained that since Mr. Kocab has now retired, there needs to be a new signature authority card signed as a Non-Corporate Resolution Form. The new form will reflect the removal of Mr. Kocab.

Resolution to Designate the City of Deming as a Colonia: Mr. Sera stated he would be presenting the resolution to designate the City of Deming as a Colonia, and he would be presenting the resolution and that the packet contains supporting documentation. Mr. Sera stated that the main concern of this designation is effect it would have on property

ownership. Mayor Pro-Tem Franklin expressed her concern regarding the designation, as well. Mr. McInturff explained that by the City obtaining this designation there would be no adversity regarding property ownership, and there would be more funding opportunities for the community. Mr. McInturff and Mr. Sera stated that the City of Las Cruces has been designated a Colonia and they have been able to obtain funding for many more projects by doing so.

IRB Inducement Resolution Regarding Affordable Solar/City Project: Mr. McInturff will be presenting the Industrial Revenue Bond Inducement Resolution regarding Affordable Solar and the City Projects. Mr. McInturff explained that Affordable Solar will be handling the projects at the waste water treatment plant, Bilbo Farm well, and the BMX Park. This will reduce the costs of electricity at these locations and it protects the City from rate increases in the future.

Approval of the Alleyway Abandonment: City of Deming, Boles Survey Addition, Block 79: Ms. Gentile will be presenting the alleyway abandonment to City Council.

Approval of a Roadway Vacation: City of Deming Industrial Park, A 285 foot portion of Peralta Avenue: Ms. Gentile will be presenting the alleyway abandonment to City Council.

Approval of Job Descriptions for: Financial Services Manager, Financial Operations Officer, Engineering Technician I, Public Works Superintendent, Administrative Secretary/Assistant Deputy Clerk, Human Resources Specialist/Safety Officer: Ms. Engle will present all job descriptions to City Council for approval. Ms. Engle briefly explained that the Financial Services Manager and Financial Operations Officer duties, with the loss of Mr. Kocab, are all three finance position duties which will now be split amongst these two positions. The Financial Services Manager will take on the supervisory duties and higher level duties of the finance department, which justifies the higher range level (32). The Engineering Technician I is a new position, which has been established to assist the Public Works Director, and will work directly under the Staff Engineer. The Public Works Superintendent, a new position, which will be a mid-level position under the Public Works Director and the supervisor of the Streets Department. The Administrative Secretary/Assistant Deputy Clerk, this position is going back to the duties it was originally assigned. Some additional duties have been assigned to this position which will include HR assistance, risk management, and assistance to other department heads as needed. The supervisory duties have been removed from this position. HR Specialist/Safety Officer position has been modified to pick up supervisory duties of the previously described position, which will oversee the Administrative Secretary and Receptionist position.

Approval for Purchase of Utility Easements and Miscellaneous Parcels: Mr. Sera will present this item to council for approval to authorize the negotiations to purchase utility easements and parcels of land to run a high pressure gas line to the North side of town. A discussion was entertained between Mr. McInturff and Mayor Pro-Tem Franklin regarding the potential routes for the gas line. Mr. McInturff stated that Mayor Silva will be designated the executor of these negotiations.

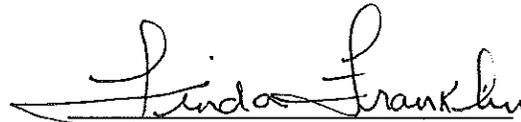
Other discussion: A Special Meeting is scheduled for January 30, 2013 at 9:00 a.m. to adopt a resolution for the CDBG project and to authorize the negotiations to purchase the lot south of the Marshall Memorial Library.

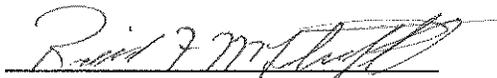
Adjourn Meeting: Mayor Pro-Tem Franklin adjourned the Workshop at 4:26 p.m.



ATTEST:

CITY OF DEMING, NEW MEXICO


Linda Franklin, Mayor Pro-Tem


Richard F. McInturff, Clerk

Mayor Pro Tem Franklin asked the members Council if they had any items they wished to discuss from the Consent Agenda. Mr. McInturff stated that items I-N are resolutions that are passed on an annual basis, item O is appointment to the Labor-Management Relations Board, and item P is a request to appoint a City Liaison to the TDC Board; due to the retirement of Mr. Kocab. Councilor Shattuck motioned to approve the Consent Agenda as presented. The motion was seconded by Councilor Milo and carried unanimously.

2. **Public Forum:** A public comment period was entertained.
3. **Public Hearing to Consider a Resolution Designating a Metropolitan Redevelopment Area:** Mr. Sera introduced Charlie Deans, of Community by Design, a consultant contracted through the New Mexico MainStreet program. He stated that part of the technical assistance that MainStreet provides to its member communities is urban planning and urban design; which is part of his forte. He specifically works on downtown master plans for MainStreet communities, cities, and towns. He stated that one of the tools that they offer to the communities, as part of the downtown master plan, is a Metropolitan Redevelopment Area (MRA) Plan. The MRA Plan is very similar to a downtown master plan. He explained, in a PowerPoint presentation, some of the history of the State Statute-The Metropolitan Redevelopment Code. He stated that the Metropolitan Redevelopment Code gives municipalities powers and authorities to do certain things within a specified area. The MRA Resolution would be the first step to designate the area as MRA. After the area is designated, then the Metropolitan Development Plan would be put in place. The most beneficial authority of the MRA Plan would be the ability to go into public/private partnerships. Mr. Deans discussed the Downtown M.R.A. Designation Report and the map which represents the subject area; which is of importance to designate the area. Mr. McInturff had made a recommendation to include the commercially zoned area on Silver Avenue from Maple to Ash Streets. Mr. McInturff addressed the amendment to the area in which he went on to state that the east side of Silver Avenue is zoned commercial and it should be included within the MRA boundary. Mr. Sanchez asked if this designation would be any conflict between the MRA designation and the Colonia designation. Mr. Deans stated that they would not be in conflict of each other and that both designations would allow for different types of funding opportunities. Mr. Milo commented on his approval of the public/private partnership opportunities. The meeting was opened to the public for their input. Mr. Bill Duncan, MainStreet Director, commented on his experience for grant opportunities that would be available if the MRA designation is approved. He stated that it would be a good first step to allow MainStreet as well as the community to partake in other funding opportunities. Mr. Sera added that the MRA designation would be a good step towards obtaining funding opportunities for our community. Mayor Pro-Tem Franklin read the resolution into record. Councilor Shattuck motioned to adopt the resolution designating the City of Deming Metropolitan Redevelopment Area as presented to include the amended, proposed area as presented. The motion was seconded by Councilor Milo and carried unanimously.

4. **Acceptance of the June 30, 2012 Financial Audit:** Mr. McInturff gave a recap of the June 30, 2012 financial audit. He read from the Independent Auditor's Report and stated that the City received a favorable audit. Mr. McInturff continued to quote the Financial Highlights from the Management's Discussion and Analysis, noting that the City's assets exceed its liabilities by \$91,507,160; and of that amount \$17,220,420 may be used to meet the City's ongoing obligation to citizens and creditors. Mr. McInturff continued discussion with Council on the Notes to the Financial Statements section. This is a boilerplate about the City's accounting policies, in which the cover letter states that the policies are in conformance with the Generally Accepted Accounting Standards. He went on to discuss note 3 from this section; Deposits and Investments. He noted the schedule shows that the City is depositing in all the local banks. Mr. McInturff also noted the collateralization at each bank. He discussed the Investments section and the Reconciliation of Cash, Investments and Cash Equivalents sections. He discussed the long-term debt which notes both, the loan for the fire department remodeling and the municipal courts chamber remodeling. He closed his discussion by commending Ms. Laura Holguin for her organization of the audit process and the staff for all their efforts in making this a smooth process. Mr. McInturff asked for Council's recommendation to accept the audit as presented. Councilor Shattuck motioned to accept the June 30, 2012 Financial Audit as presented. The motion was seconded by Councilor Milo and passed unanimously.
5. **Resolution to Grant Designated Personnel Authority on the Asset Management Account with Multi-Bank Securities, Inc.:** Mr. McInturff discussed this Non-Corporate Resolution form to grant Mayor Silva, Mr. McInturff, Laura Holguin, and Lloyd Valentine signature authority to manage the named account due to the retirement of Mr. Rick Kocab in December 2012. Councilor Milo motioned to grant designated personnel authority on the Asset Management Account with Multi-Bank Securities, Inc. The motion was seconded by Councilor Shattuck and carried unanimously.
6. **Resolution to Designate the City of Deming as a Colonia:** Mr. Sera presented this resolution request to Council. He stated that the City of Deming must meet two of four criteria that have been set by the Housing and Urban Development Department to in order to qualify for this designation. Mr. Sera also discussed the benefits of this designation and that it would assist with infrastructure improvements; which will enhance the quality of life within the City. In spite of current decreases of funding assistance throughout all levels of government, the Colonias Infrastructure Fund remains a valuable resource that requires this designation in order to apply for this much needed assistance. He discussed, in further detail, the criteria which the City met for this designation and reviewed the supporting documentation. Mr. Sera recommended that Council approve the adoption of this resolution for this designation. Councilor Milo motioned to adopt the resolution to designate the City of Deming as a Colonia. The motion was seconded by Councilor Sanchez and carried unanimously.
7. **IRB Inducement Resolution Regarding Affordable Solar/City Project:** Mr. McInturff addressed Council regarding the resolution for Affordable Solar Installation, Inc. The approved project will provide solar panels at the waste water treatment plant, the Bilbo water storage well and pumping station, and the BMX park. Mr. McInturff stated that the City attorney, Mr. Foy, has reviewed the resolution for legal sufficiency. Mr. Foy stated that the

resolution does meet the legal criteria for legal sufficiency. The resolution allows the City of Deming to issue IRBs for this Affordable Solar Installation project. Mr. McInturff referred to the second paragraph on page 2, in which it states that "*a municipality shall not acquire any electrical generation facility project unless the acquisition is approved by the local school board of the school district in which a project is located and the governing body of the municipality, the local school board and the person proposing the project negotiate and determine the amount of an annual in-lieu tax payment to be made to the school district by the person proposing the project, for the period that the municipality owns and leases the project and provided such approval shall not be unreasonably withheld*". Mr. McInturff stated the City can go forward with this project, but still needs to negotiate the zero payment in-lieu of tax with Deming Public Schools. The purchase power agreement will protect against future rate increases.

Councilor Shattuck motioned to adopt the IRB Inducement Resolution Regarding Affordable Solar/City Project as presented. The motion was seconded by Councilor Sanchez and carried unanimously. Councilor Shattuck made a friendly amendment to his motion that Council authorizes City staff to negotiate zero payment of taxes with Affordable Solar and Deming Public Schools district. Councilor Sanchez seconded the amendment; motion was carried unanimously.

- 8. Approval of the Alleyway Abandonment: City of Deming, Boles Survey Addition, Block 79:** Ms. Gentile presented a request to vacate 271 feet of alleyway, which is City right-of way, at the location where Walgreens will be built. The alleyway is located from Cedar to Pine Street, between Gold Avenue and Copper Street. Ms. Gentile stated that staff had no objections to this alleyway abandonment. Councilor Shattuck recused himself from any motions or decisions regarding this item on the agenda. Councilor Sanchez asked about other utilities in the alleyway, and if they would require rerouting. Mr. McInturff explained how the utilities would be rerouted. Councilor Milo motioned to approve the alleyway abandonment as presented. Councilor Sanchez seconded the motion and the motion was carried.
- 9. Approval of a Roadway Vacation: City of Deming Industrial Park, A 285 foot portion of Peralta Avenue:** Ms. Gentile presented a request to vacate a roadway located in the City of Deming Industrial Park, a 285 foot portion of Peralta Avenue. She stated that this area will be needed for the Affordable Solar project previously discussed in this meeting. Ms. Gentile explained the subject land using an aerial photo. She stated that the roadway has not been established but the property has been plotted. Councilor Shattuck motioned to approve the roadway Vacation: City of Deming Industrial Park, a 285 foot portion of Peralta Avenue. The motion was seconded by Councilor Sanchez and carried unanimously.
- 10. Approval of Job Descriptions for: Financial Services Manager, Financial Operations Officer, Engineering Technician I, Public Works Superintendent, Administrative Secretary/Assistant Deputy Clerk, Human Resources Specialist/Safety Officer:** Ms. Engle presented all job descriptions listed to Council for approval. She stated that with the retirement of Mr. Kocab, the Financial Services Manager and the Financial Operations Officer will split the duties of Mr. Kocab's previous position. The Financial Services Manager will pick up the supervision and high-level duties of this department, and justifying the higher range of the two positions. The Engineering Technician I is a new position being

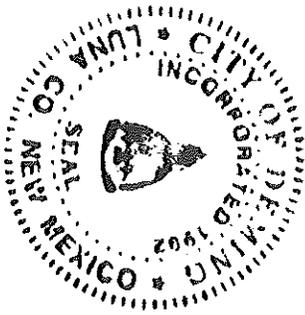
established to assist the Public Works Director and will be assigned under the Staff Engineer, Jasper Maynes. The Public Works Superintendent is also a new position set up to be a mid-level position between the Public Works Director and foremen of departments. Please note that with the addition of this position, the Streets Department will be under Public Works, which was previously under Community Services Department. Mr. Sera added that the intent for this move of departments is to have street-funded projects under the Public Works Department, and to keep local-street projects under the Community Services Department. The Administrative Secretary/Assistant Deputy Clerk position is a revision to the previous position. The position has been revised to remove the supervisory duties, and to include HR assistant duties, and assistance to other department heads in justifying the range 22. The Human Resources Specialist/Safety Officer is revised to include the supervisory duties from the Administrative Secretary/Assistant Deputy Clerk position, as well as overseeing the reception area and acquiring different aspects of the Deputy Clerk position.

Councilor Milo motioned to approve the job descriptions: Financial Services Manager, Financial Operations Officer, Engineering Technician I, Public Works Superintendent, Administrative Secretary/Assistant Deputy Clerk, and Human Resources Specialist/Safety Officer, as presented. The motion was seconded by Councilor Sanchez and carried unanimously.

- 11. Approval for Purchase of Utility Easements and Miscellaneous Parcels:** Mr. Sera presented the maps of the subject area showing the proposed route for installation of a high-pressure gas line to be installed north of town. This project is part of the Economic Development Administration Grant where the intent is to get high-pressure gas supplied to the north side of town, south of the industrial park. The purchase of the easement, which includes two 1-acre parcels as described in the maps, allowing for the installation of a regulator station. Mr. Sera continued to describe the proposed routes to be utilized. Staff is requesting approval to authorize the Mayor and City Administrator to negotiate the purchase of utility easements and miscellaneous parcels as presented. In a second map, another proposed route to be utilized south of Interstate-10. The exact route has not been established because it is contingent on the negotiation of alignment of the high-pressure gas line and purchase of parcels as presented. Councilor Shattuck motioned that Council authorize City staff the authority to negotiate the with property owners for a high-pressure gas line easement running to the north side industrial park, and to negotiate and purchase parcels as presented and as needed to be executed by Mayor Silva. The motion seconded by Councilor Sanchez and carried unanimously.

- 12. Adjourn Meeting:** Upon a motion by Councilor Sanchez and a second by Councilor Sanchez the meeting was adjourned at 8:05 p.m.

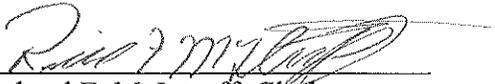
The next regular City Council Workshop and Meeting are scheduled for 4:00 p.m. and 6:00 p.m. on February 11, 2013.



CITY OF DEMING, NEW MEXICO


Linda Franklin, Mayor Pro-Tem

ATTEST:


Richard F. McInturff, Clerk

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 13-01**

**A RESOLUTION TO ADOPT
THE CITY OF DEMING SECTION 3 PLAN**

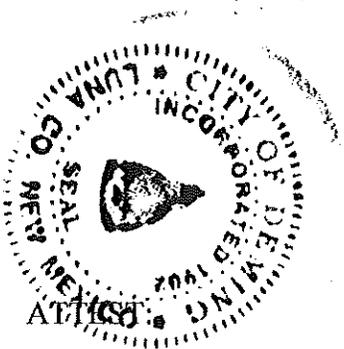
WHEREAS, The City of Deming is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low income residents of the community.

NOW, THEREFORE BE IT RESOLVED, that I, Linda Franklin, Mayor Pro Tem of the City of Deming on behalf of the City Council, do hereby adopt the City of Deming Section 3 Plan.

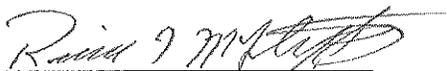
IN WITNESS WHEREOF, I have hereunto set my hand and seal of the City of Deming to be affixed in the City of Deming, Luna County, New Mexico this 14th Day of January 2013.

PASSED, APPROVED and ADOPTED this 14th day of January, 2013.

CITY OF DEMING, NEW MEXICO




Linda Franklin, Mayor Pro-Tem


Richard F. McInturff, City Clerk

CITY SECTION 3 PLAN

The City of Deming is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low-income residents of the community.

The City of Deming has appointed the City Administrator as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as focal point on Section 3 complaints, as the on-site monitoring of prime contractors and sub-contractors to ensure the implementation and enforcement of their Section 3 plans. The approval or disapproval of the Section 3 plan is the ultimate responsibility of the City. Documentation of City efforts will be retained on file for monitoring by the State.

Therefore, the City of Deming shall:

1. Hiring
 - (a) Advertise for all City positions in local newspapers.
 - (b) List all City job opportunities with the State Employment Service.
 - (c) Give preference in hiring to lower income persons residing in the City. This means that if two equally qualified persons apply and one is a resident of the City and one is not, the resident will be hired.
 - (d) Maintain records of City hiring as specified on this form.

Anticipated City Hiring 2013

	Planned	Actual		
Job Classification	# of Positions to be Filled	# of Positions to be Filled by Lower Income City	# Positions Filled	# of Positions Filled by Lower Income City
Laborer	4	4		
Skilled Craft	1	0		
Clerical	3	3		

2. Contracting
 - (a) The City will compile a list of businesses, suppliers and contractors located in the City.

- (b) These vendors will be contacted for bid or quotes whenever the City requires supplies, services or construction.
- (c) Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within the City and one from outside the City, the contract will be awarded to the business located within the community.

3. Training

The City shall maintain a list of all training programs operated by the City and its agencies and will direct them to give preference to City residents. The City will also direct all CDBG sponsored training to provide preference to City residents.

4. CDBG Contracts

All CDBG bid packages and contracts shall include the following Section 3 language:

- (a) The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given lower residents of the project areas and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- (b) The parties to this contract will comply with the provision as said Section 3 and the regulation issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued there under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability, which would prevent them from complying with these requirements.
- (c) The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- (d) The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at

the direction of the applicant for, or recipient of, Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.

- (e) Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued there under prior to the execution of the contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The City shall require each contractor to prepare a written Section 3 Plan as a part of their bids on all jobs exceeding \$100,000. All Section 3 Plans shall be reviewed and approved by the City's Equal Opportunity Section 3 Compliance Officer and maintained in said office for monitoring by the State.

The City of Deming will maintain all necessary reports and will ensure that all contractors and subcontractors submit required reports.

LOWER INCOME CLARIFICATION

A family who resides in Deming, New Mexico and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for Luna County. Information contained in our Section 3 Plan reflects the status of the City employees regarding lower income considerations based on their salary paid by the City.

As approved by City Council, January 14, 2013 by resolution.

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO: 13-02**

**A RESOLUTION TO ADOPT
THE RESIDENTIAL ANTI-DISPLACEMENT
& RELOCATION ASSISTANCE PLAN**

WHEREAS, the prepared Anti-displacement and Relocation Assistance Plan represents the effort of the City of Deming to comply with the requirements of Section 104(d) of the Housing and Community Development Act of 1974 as amended.

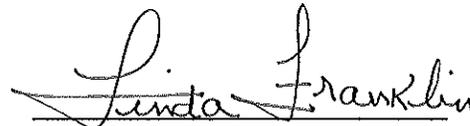
NOW, THEREFORE BE IT RESOLVED THAT I, Linda Franklin, Mayor Pro Tem of the City of Deming on behalf of the City Council, do hereby adopt the Residential Anti-displacement and Relocation Assistance Plan.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the City of Deming to be affixed in the City of Deming.

PASSED, APPROVED, and ADOPTED this 14th day of January, 2013.

CITY OF DEMING, NEW MEXICO




Linda Franklin, Mayor Pro-Tem


Richard F. McInturff, City Clerk

RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN & CERTIFICATION

Section 104(d) of the Housing and Community
Development Act of 1974, as Amended

Section 509 of the Housing and Community Development Act of 1987 (Public Law 100-242, approved February 5, 1988) amended Section 104 of the Housing and Community Development Act of 1974 (the Act) by adding a new subsection (d).

The new subsection 104(d) of the Act provides that a grant under Section 106 (CDBG Programs) may be made only if the grantee certifies that it is following a "residential antidisplacement and relocation plan."

Local governments, recipients under the State CDBG Program, must make this certification to the State. The requirement applies only to those recipients of CDBG funds from awarded to the State by HUD after October 1, 1988.

ACCORDINGLY, the foregoing plan represents the effort of the City of Deming to comply with the requirements of Section 104L(d) of the Act and is certified herewith:

PLAN AND CERTIFICATION

The City of Deming herewith certifies that it will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.496 a(b).

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the City of Deming will make public and submit to the Local Government Division of the Department of Finance and Administration the following information in writing:

1. A description of the proposed activity;
2. The location on a map and the approximate number of units, described by size (number of bedrooms), that will be demolished or converted;
3. A time schedule for commencement and completion of the demolition or conversion;

4. The location on a map and the approximate number of dwelling units described by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source(s) of funding and a time schedule for the provision of replacements units; and
6. The basis for concluding that each replacement unit will remain a low/moderate-income dwelling unit for ten (10) years from the date of initial occupancy.

The City of Deming will provide relocation assistance, as described in 570.496-a to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

To other extent which the City of Deming participates in Federal Assistance Programs wherein the following antidisplacement strategies can be applied, and consistent with the goals and objectives of activities assisted under the Act, the City of Deming will take the following steps to minimize the displacement of persons from their homes (this listing not all inclusive):

DISPLACEMENTS STRATEGY

- A. Steps to Minimize or Prevent Displacement:
 1. Plan, organize and stage the rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation so as to provide the greatest convenience, safe and economically sound rehabilitation effort possible.
 2. Assist in the identifying and locating of temporary relocation facilities in order to house families whose displacement will be of short duration, so that they can move back to their neighborhood after rehabilitation or new construction.
 3. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent the placing of undue financial burdens on long established owners or on tenants of multi-family buildings.
 4. Counsel and advise homeowners and renters to understand the range of assistance that may be available to meet and protect their housing rights and interests.
 5. In cooperation with neighborhood organizations, continuously review neighborhood development trends, identify displacement problems, and identify individuals facing displacement who need assistance.

B. Actions to Assist Displaced Persons to Remain in Their Present Neighborhoods:

1. Provide lower-income housing in the neighborhood through HUD housing programs; purchase units as is; rehabilitate vacant units; or construct housing units.
2. Give priority in assisted housing units in the neighborhood to area residents facing displacement.
3. Target Section 8 existing programs and certificates to households being displaced, and recruit area landlords to participate in the program.
4. Provide counseling and referral services to assist displaced find alternate housing in the neighborhood.
5. Work with area landlords and real estate brokers to locate vacancies of households facing displacement.

C. Actions to Otherwise Mitigate Adverse Effects of Displacement:

1. Use of public funds, such as CDBG, to pay moving costs and provide relocation payments or, to extent permissible by local or state law require private developers to provide compensation to persons displaced by development activities.
2. Give displaced priority in obtaining subsidized housing.
3. Provide counseling and referral service to assist displaced to locate elsewhere in the community.

It shall be the policy of the City of Deming that all persons displaced by CDBG activity shall be relocated into housing that is:

- a) Decent, safe and sanitary;
- b) Adequate in size to accommodate the occupants;
- c) Functionally equivalent;
- d) In an area not subject to adverse environmental conditions.

As approved by City Council, January 14, 2013 by resolution.

**CITY OF DEMING, NEW MEXICO
RESOLUTION NO. 13-03**

**A RESOLUTION TO ADOPT
THE CITIZEN PARTICIPATION PLAN**

WHEREAS, In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, the City of Deming has prepared a Citizen Participation Plan.

NOW, THEREFORE I, Linda Franklin, Mayor Pro Tem of the City of Deming on behalf of the City Council, do hereby adopt the Citizen Participation Plan.

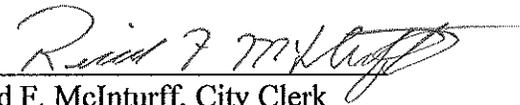
IN WITNESS WHEREOF, I have hereunto set my hand and seal of the City of Deming to be affixed in the City of Deming, Luna County, New Mexico this 14th day of January 2013.

PASSED, APPROVED AND ADOPTED this 14th day of January, 2013.

CITY OF DEMING, NEW MEXICO




Linda Franklin, Mayor Pro-Tem


Richard F. McInturff, City Clerk

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CITIZEN PARTICIPATION PLAN

Introduction

In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, the City of Deming has prepared and adopted this Citizen Participation Plan.

Objective A

The City of Deming will provide for and encourage citizen participation within their areas of jurisdiction with particular emphasis on participation by persons of low and moderate income.

1. Adopt and circulate an Open Meetings Resolution which provides citizens with reasonable notice of City upcoming meetings, actions, functions.
2. Develop press releases on City meetings, actions and hearings and circulate to newspapers, radio and televisions media.
3. Develop and maintain listings of groups and representatives of low and moderate income persons and include on mailing lists for announcements, notices press releases, etc.

Objective B

The City of Deming will provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of CDBG funds.

1. Public notices, press releases, etc., should allow for a maximum length of notice to citizens.
2. Appropriate information and records relating to the proposed and actual use of CDBG funds must be available upon request to all citizens. Personnel and income records may be exempted from this requirement.
3. Meetings, hearings, etc., should be conducted at times and locations conducive to public attendance, i.e., evenings, Saturdays.

Objective C

The City of Deming will provide for technical assistance to groups and representatives of low and moderate-income persons that request assistance in developing proposals. (Special note: the level and type of assistance is to be determined by the City.)

1. Low/moderate income groups should be advised that technical assistance, particularly in the area of community development, is available from the City of Deming upon request.
2. The City of Deming will document all technical assistance provided to such groups and have documentation available for review.

Objective D

The City of Deming will provide for public hearings to obtain citizen participation and respond to proposals and questions at all stages of the Community Development Block Grant Program.

1. The City of Deming will advise citizens of the CDBG Program objectives, range of activities that can be applied for and other pertinent information.
2. The City of Deming will conduct a minimum of two public hearings:
 - a. One public meeting will be held for the purpose of obtaining the views of citizens on community development and housing needs to include the needs of low and moderate income people. This hearing will take place prior to the selection of the project to be submitted to the State for CDBG funding assistance.
 - b. A second public hearing will be held for the purpose of gaining citizen input on the particular application to be submitted to the State for CDBG funding consideration.
3. The City of Deming will review program performance, past use of CDBG funds and make available to the public its community development and housing needs including the needs of low and moderate-income families and the activities to be undertaken to meet such needs.
4. Public hearing notices will be published in the non-legal section of newspapers or in other local media. Evidence of compliance with these regulations will be provided with each CDBG application, i.e., hearing notice, minutes of public meetings, list of needs and activities to be undertaken, etc. Amendments to goal, objectives and applications are also subject to public participation.

Objective E

The City of Deming will provide for timely written answers to written complaints and grievances within 15 working days where practicable.

1. The City of Deming will adopt complaint-handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.
2. Procedures will allow for appeal of a decision to a neutral authority.
3. A detailed record of all complaints/grievances and responses will be filed in one central location with easy public access provided.

Objective F

The City of Deming will identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of residents can be reasonably expected to participate.

1. The City of Deming will identify areas where large majorities of non-English speaking persons reside and make appropriate provisions when issues affecting these areas are to be discussed at public meetings, hearings, etc. Appropriate provisions will include having interpreters available at the meeting and/or having briefing materials available in the appropriate language.
2. Maintain records/rosters of public hearing attendees and proceedings to verify compliance with this objective.

As approved by City Council, January 14, 2013 by resolution.

RESOLUTION NO. 13-04

An annual resolution determining what constitutes reasonable notice of public meetings held by the Governing Body of The City of Deming per Section 10-15-1 (D) of the Open Meetings Act

WHEREAS, the City of Deming met in Regular session at Deming, New Mexico on January 14th, 2013 at 6:00 p.m. as per law; and

WHEREAS, Section 10-15-1(B) of the Open Meeting Act (NMSA 1978, Sections 10-15-1 to -4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum or members of any board, council, commission or other policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the City of Deming to determine annually what constitutes reasonable notice of its public meetings.

NOW, THEREFORE, BE IT RESOLVED by the City of Deming that:

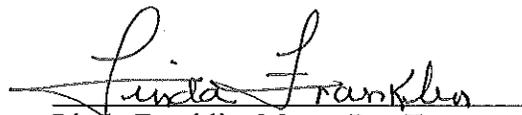
1. All regular meetings shall be held at the John Strand Municipal Building at 6:00 p.m. or as indicated on the meeting notice.
2. Regular meeting shall be held each month on the second Monday. A proposed agenda will be available the Friday before the meeting from the Municipal Offices, 309 South Gold Avenue, Deming, New Mexico. Notice of any other regular meetings will be given ten (10) days in advance of the meeting date.
3. Special meetings may be called by the Mayor or a majority of the Council members upon three (3) days notice.
4. Emergency meetings will be called only under circumstances, which demand immediate action to protect the health, safety and property of citizens. The City of Deming will avoid emergency meetings whenever possible. Emergency meetings may be called by the Mayor or a majority of the Council members upon twenty-four (24) hours notice, unless threat of personal injury or property damage requires less notice.
5. For the purpose of regular meetings described in paragraph 2 of this resolution, notice requirements are met if notice of the date, time, place, and

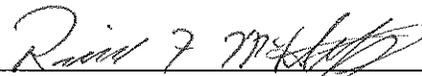
general subject matter to be discussed is placed in newspapers of general circulation in the state.

6. For the purposes of special meetings and emergency meetings described in paragraphs 3 and 4 of this resolution, notice requirements shall be met by posting notices in the Municipal Building.
7. The City Council may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirement under Section 10-15-1 (H) of the Open Meetings Act.
 - a. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the City Council taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated in the motion for closure and the vote on closure of each individual member shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting; and
 - b. If the decision to hold a closed meeting is made when the City Council is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances and stating the specific provision of law authorizing the closed meeting the subjects to be discussed, is given to the members and to the general public; and
 - c. Except as provided in Section 10-15-1 (E), any action taken as a result of discussions in a closed meeting shall be made by vote of the City Council in an open public meeting.

PASSED, APPROVED AND ADOPTED by the City Council this 14th day of January 2013.




Linda Franklin, Mayor Pro-Tem


Richard F. McInturff, City Clerk

Resolution No. 13-05

**A RESOLUTION ADOPTING REGULATIONS REGARDING
THE PROCUREMENT PROCESS OF THE MUNICIPALITY
PURSUANT TO THE REQUIREMENTS OF THE PROCUREMENT
CODE (BEING SECTIONS 13-1-28 TO 13-1-199 NMSA 1978, AS
AMENDED) AND PUBLIC WORKS CONTRACTS (BEING
SECTIONS 13-4-1 TO 13-4-42 NMSA 1978, AS AMENDED)**

WHEREAS, the purpose of this Resolution is to adopt regulations to translate or define the general and specific requirements of the Procurement code; and

WHEREAS, the purpose of the Procurement Code are to provide for the fair and equitable treatment of all persons involved in public procurement, to maximize the purchasing value of public funds and to provide safeguards for maintaining a procurement system of quality and integrity; and

WHEREAS, the governing body may adopt regulations through resolution or ordinance to effect the powers and duties granted the municipality by state law;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE City of Deming that the regulations cited above are the purchasing processes to be utilized by all officers and employees of the municipality through the Central Purchasing office in the procurement of tangible personal property, services and construction.

This Resolution supersedes any and all previous procurement guidelines in their entirety.

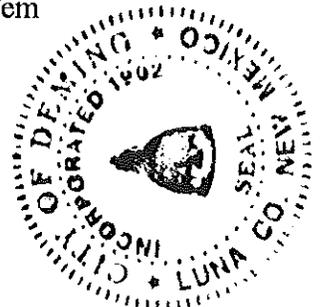
PASSED, APPROVED AND ADOPTED by City Council at its meeting on this 14th day of January, 2013.

CITY OF DEMING


Linda Franklin, Mayor Pro-Tem

ATTEST:


Richard F. McInturff, City Clerk



RESOLUTION NO. 13-06

**TRAVEL & PER DIEM
ADOPTION OF NMAC 2.42.2 PURSUANT TO
10-8-5 and 9-6-5 NMSA 1978**

WHEREAS, the Travel and Per Diem Regulation governing the Per Diem and Mileage Act are promulgated in the New Mexico Administrative Code 2.42.2 which is in accordance with 10-8-1 thru 10-8-8 NMSA 1978; and,

WHEREAS, the Administrative Code pursuant to authority granted in Section 10-8-5(A) and 9-6-5(E) NMSA 1978 governs the payment of per diem rates and mileage and the reimbursement of expenses for salaried and non-salaried public officers and employees of state agencies and local public bodies.

NOW THEREFORE BE IT RESOLVED, that public officers and employees of the City of Deming shall be reimbursed for per diem and mileage and the reimbursable expenses in accordance with NMAC 2.42.2.1 thru 2.42.2.14 including appendices: and,

BE IT FURTHER RESOLVED, that adoption of Regulation 2.42.2 NMAC shall include subsequent amendments.

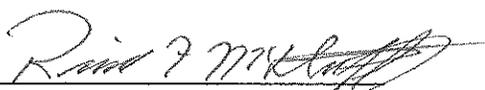
NOW THEREFORE BE IT FURTHER RESOLVED BY AND CERTIFIED BY THE UNDERSIGNED FOR AND ON BEHALF OF THE CITY.

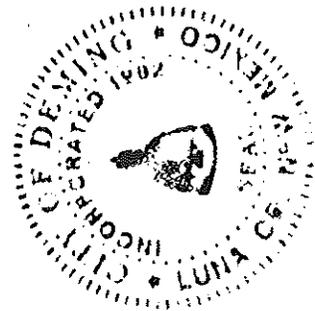
PASSED, APPROVED and ADOPTED this 14th day of January, 2013.

CITY OF DEMING


Linda Franklin, Mayor Pro-Tem

ATTEST:


Richard F. McInturff, City Clerk





I. IDENTIFICATION OF QUALIFIED INTERMEDIARY / WITHHOLDING ENTITY

LEGAL NAME OF ORGANIZATION: City of Deming

TYPE OF ORGANIZATION: Municipal Government

ACCOUNT NUMBER (IF ASSIGNED):

Be it resolved that each of the following has been duly elected or appointed and is now legally holding the title set opposite his/her name.

<u>Andres Z. Silva</u> <small>(Name of Authorized Person)</small>	<u>Mayor</u> <small>(Title)</small>
<u>Richard F. McInturff</u> <small>(Name of Authorized Person)</small>	<u>Administrator</u> <small>(Title)</small>
<u>Laura Holguin</u> <small>(Name of Authorized Person)</small>	<u>Audit Specialist</u> <small>(Title)</small>
<u>Lloyd Valentine III</u> <small>(Name of Authorized Person)</small>	<u>Senior Budget Analyst</u> <small>(Title)</small>

II. CERTIFICATION

I, Linda Franklin of
(Name of Title of Officer or Partner signing this Non-Corporate Resolution)

City of Deming hereby certify that said organization is duly and legally
(Name of Organization)

organized and existing and that a quorum of the City of Deming, City Council
(Name of Governing Body of Organization)

of said Organization attended a meeting duly held on the 14 day of January, 2013

at which the following resolutions were duly adopted, and that such resolutions are in full force and effect on this date and

do not conflict with the City of Deming-Investment Policy of said organization.
(Name of Governing Rules)

I further certify that I have the authority to execute this Non-Corporate Resolution on behalf of said Organization, and that

the City Council of the Organization which took the action called for by the
(Name of Governing Body of Organization)

resolutions annexed hereto has the power to take such action.

III. SIGNATURE

SIGNATURE: Linda Franklin DATE: 1-14-2013

TITLE: Mayor Pro-Tem

IV. RESOLUTIONS

Certified Copy Of Certain Resolutions by the Governing Body of Said Organization Whereby the Establishment and Maintenance of Accounts Have Been Authorized.

RESOLVED –

FIRST: That the named Authorized Persons of this organization or _____ or _____ be and they hereby are, and each of them is, authorized and empowered, for and on behalf of this organization (herein called the "Organization"), to establish and maintain one or more accounts with Multi-Bank Securities (herein called the "Brokers") and Pershing LLC, its successors or assigns, and for the purpose of purchasing, investing in, or otherwise acquiring, selling, possessing, transferring, exchanging, pledging, or otherwise disposing of or realizing upon, and generally dealing in and with;

(a) THIS PARAGRAPH PERMITS CASH TRANSACTIONS IN SECURITIES
any and all forms of securities including, but not by way of limitation, shares, stocks, options, stock options, stock index options, foreign currency options and debt instrument options, bonds, debentures, notes, scrip, participation certificates, rights to subscribe, warrants, certificates of deposit, mortgages, choses in action, evidence of indebtedness, commercial paper, certificates of indebtedness and certificates of interest of any and every kind and nature whatsoever, secured or unsecured, whether represented by trust, participating and/or other certificates or otherwise;

(b) THIS PARAGRAPH PERMITS CASH AND MARGIN TRANSACTIONS IN SECURITIES
any and all forms of securities including, but not by way of limitation, shares, stocks, options, stock options, stock index options, foreign currency options and debt instrument options, bonds, debentures, notes, scrip, participation certificates, rights to subscribe, warrants, certificates of deposit, mortgages, choses in action, evidence of indebtedness, commercial paper, certificates of indebtedness and certificates of interest of any and every kind and nature whatsoever, secured or unsecured, whether represented by trust, participating and/or other certificates or otherwise; and margin transactions, including short sales;

(c) THIS PARAGRAPH PERMITS THE ESTABLISHMENT AND MAINTENANCE OF AN ASSET MANAGEMENT ACCOUNT
the creation of a debit card and checkwriting, from which account funds are directly spent, the responsibility for which is entirely that of the Organization, such that checkwriting and debit card privileges will be limited to the following persons designated by the Organization:

<u>Laura Holquin</u> (Print Name)	_____	(Signature)
<u>Lloyd Valentine III</u> (Print Name)	_____	(Signature)
<u>Richard F. McInturff</u> (Print Name)	_____	(Signature)
<u>Andres Z. Silva</u>		

The fullest authority at all times with respect to any such commitment or with respect to any transaction deemed by any of the said Authorized Persons and/or agents to be proper in connection therewith is hereby conferred, including authority (without limiting the generality of the foregoing) to give written or oral instructions to the Brokers with respect to said transactions; to bind and obligate the Organization to and for the carrying out of any contract, arrangement, or transaction, which shall be entered into by any such Authorized Persons and/or drafts drawn upon the funds of the Organization such sums as may be necessary in connection with any of the said accounts to deposit funds with the Brokers; to deliver securities and/or contracts to the Brokers; to order the transfer or delivery thereof to any other person whatsoever, and/or to order the transfer record of any securities, or contracts, or titles, to any name selected by any of the said Authorized Persons or agents; to affix the Organization's seal to any documents or agreements, or otherwise; to endorse any securities and/or contracts in order to pass title thereto; to direct the sale or exercise of any rights with respect to any securities; to sign for the Organization all releases, powers of attorney and/or other documents in connection with any such account, and to agree to any terms or conditions to control any such account; to direct the Brokers to surrender any securities to the proper agent or party for the purpose of effecting any exchange or conversion, or for the purpose of deposit with any protective or similar committee, or otherwise; to accept delivery of any securities, to borrow money and securities, if applicable, and to secure repayment thereof with the property of the Organization; to appoint any other person or persons to do any and all things which any and all things which any of the said Authorized Persons and/or agents is hereby empowered to do, and generally to do and take all action necessary in connection with the account, or considered desirable by such Authorized Persons and/or agents with respect thereto.

SECOND: That the Brokers may deal with any and all of the persons directly or indirectly by the foregoing resolution empowered, as though they were dealing with the Organization directly, except as provided in paragraph FIRST, sub-section (c).

THIRD: That the person signing this Non-corporate Resolution on behalf of the Organization be and hereby is authorized, empowered and directed to certify to the Brokers:

- (a) a true copy of these resolutions;
- (b) specimen signatures of each and every person by these resolutions empowered;
- (c) a certificate (which, if required by brokers, shall be supported by an opinion of the general counsel of the Organization, or other counsel satisfactory to the Brokers) that the Organization is duly organized and existing, that its governing rules empower it to transact the business by these resolutions defined, and that no limitation has been imposed upon such powers by the governing rules of the Organization or otherwise.

FOURTH: That the Brokers may rely upon the certified copy of the resolutions, specimen signatures, and certificate, as continuing fully effective unless and until the Brokers shall receive due written notice of change or rescission, and the dispatch or receipt of any other form of notice shall not constitute a waiver of this provision. nor shall the fact that any person hereby empowered ceases to be an Authorized Person of the Organization or becomes an Authorized Person under some title, in any way affect the powers hereby conferred, but the failure to supply any specimen signature shall not invalidate any transaction where the party authorizing the same has been actually empowered thereto by or in conformity with these resolutions.

FIFTH: That in the event of any change in the office of powers of persons hereby empowered, an Authorized Person shall certify such changes to the Brokers in writing in the manner herein above provided, which notification, when received, shall be adequate both to terminate the powers of the persons therefore authorized, and to empower the persons thereby substituted.

SIXTH: That the Authorized Persons of the Organization be, and hereby is, authorized and empowered to countersign items as aforesaid, except as provided in paragraph FIRST, sub-section (c).

SEVENTH: That the foregoing resolutions and the certificates actually furnished to the Brokers by the Authorized Person of pursuant thereto, be and they hereby are made irrevocable until written notice of the revocation thereof shall have been received by the Brokers.

**STATE OF NEW MEXICO
CITY OF DEMING
RESOLUTION NO. 13-10**

A RESOLUTION DECLARING THE INTENT OF THE CITY OF DEMING TO ISSUE AN INDUSTRIAL REVENUE BOND ENTITLED CITY OF DEMING, NEW MEXICO TAXABLE INDUSTRIAL REVENUE BOND (AFFORDABLE SOLAR INSTALLATION, INC. PROJECT), SERIES 2013, IN AN AGGREGATE PRINCIPAL AMOUNT OF UP TO \$4,000,000 IN CONNECTION WITH A PROPOSED INDUSTRIAL REVENUE BOND SOLAR ENERGY GENERATING FACILITIES HEREAFTER DEFINED TO BE LOCATED IN THE INCORPORATED LIMITS OF THE CITY OF DEMING, NEW MEXICO, FOR THE PURPOSE OF INDUCING AFFORDABLE SOLAR INSTALLATION, INC. OR ITS SUCCESSORS OR ASSIGNS, TO ACQUIRE AND CONSTRUCT THE PROJECT AND TO REIMBURSE TEMPORARY ADVANCES MADE FOR CAPITAL EXPENDITURES FROM PROCEEDS OF THE BOND; AND CONCERNING RELATED MATTERS.

WHEREAS, the New Mexico "Municipal Industrial Revenue Bond Act" (the "Act"), being Sections 3-32 1 to 3-32 16 inclusive NMSA 1978, as amended, authorizes The City of Deming, New Mexico (the "City") to issue industrial development bonds and to acquire projects as defined in the Act; and

WHEREAS, the City desires to promote industry and develop trade or other economic activity to secure and maintain a balanced and stable economy in the City and to promote the public health, welfare, safety, convenience and prosperity; and

WHEREAS, Section 3-32 1(B)(5) of the Act defines "project" to include, among other things, an electric generation facility other than one for which both location approval and a certificate of convenience and necessity are required prior to commencing construction or operation of the facility, pursuant to the Public Utility Act (Sections 62-13-1 et seq. NMSA 1978) and the Electric Utility Industry Restructuring Act of 1999 (Sections 62-3A-1 et seq.); and

WHEREAS, Affordable Solar Installation, Inc. a New Mexico corporation (together with its successors and assigns, the "Company") has made a proposal to the City (the "Proposal") whereby the City will acquire and construct currently planned facilities and at the Company's option, acquire and construct an expansion of the facilities to be located within the incorporated limits of the City for use by the Company in generating, transmitting and selling to the City the electricity produced by solar energy (the "Project"); and

WHEREAS, the Project consists of an electricity generating system which is an authorized project as defined under the Act; and

WHEREAS, the issuance of its taxable industrial revenue bond (the "Bond") by the City to finance all or a part of the Project, is one of the inducements whereby the Company intends to develop and operate the Project in the City; and

WHEREAS, the City Council (the "Council") of the City constitutes the governing body of the City within the meaning of the Act; and

WHEREAS, the Project has been considered by the Council and it has been determined by the Council that the Proposal and Project will promote the local health, general welfare, safety, convenience and prosperity of the inhabitants of the City, and the Council desires to indicate its intent to proceed with the issuance of the Bond for the financing of the Project; and

WHEREAS, as provided in Section 3-32-6(A)(2), a municipality shall not acquire any electricity generation facility project unless the acquisition is approved by the local school board of the school district in which a project is located and the governing body of the municipality, the local school board and the person proposing the project negotiate and determine the amount of an annual in-lieu tax payment to be made to the school district by the person proposing the project, for the period that the municipality owns and leases the project, and provided such approval shall not be unreasonably withheld; and

WHEREAS, prior to issuing the Bond and acquiring the Project, the City will negotiate an annual in-lieu tax payment to be made to the school district in which the Project is located and to other taxing entities as determined by the City; and

WHEREAS, concurrently with the issuance of the Bond, the Company will enter into a lease or other financing agreement with the City providing for the payment of lease rentals or other payments on the Project sufficient to pay the debt service on the Bond, subject to the prior adoption by the Council of an ordinance approving such agreement and other related documents and authorizing issuance of the Bond (the "Bond Ordinance"); and

WHEREAS, the City and the Company understand that the adoption of this Resolution shall not obligate the Council or the City to adopt the Bond Ordinance, to issue the Bond or obligate the Company to proceed with the Project, except pursuant to the terms of the Bond Ordinance and related bond documents in forms satisfactory to the City as presented by the Company prior to the issuance of the Bond.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DEMING, NEW MEXICO:

Section 1. All actions (not inconsistent with the provisions hereof) heretofore taken by the Council and the officers and employees of the City related to the Proposal, the acquisition of the Project, and the sale and issuance of the Bond, are hereby ratified, approved and confirmed.

Section 2. The Council has been informed by the Company that:

A. The Project will be located within the incorporated portions the City generally described in Exhibit A hereto.

B. The Project will consist of solar electricity generation facilities and all necessary and useful equipment which will be constructed and installed in various locations within the City and used for the generation of electricity, which shall be sold by the Company or its successors and assigns and purchased by the City pursuant to a power purchase agreement.

C. The maximum aggregate face amount of the Bond to be issued with respect to the Project is \$4,000,000.

D. The initial developer of the facilities for the Project will be the Company.

E. The initial operator of the Project will be the Company.

Section 3. In order to promote the local health and general welfare, safety, convenience and prosperity of the inhabitants of the City, it is the Council's intent to take all necessary and advisable steps to effect the issuance of the Bond in an aggregate principal amount up to \$4,000,000 in order to defray part or all of the costs of the Project. The Bond is to be entitled substantially as follows "City of Deming, New Mexico Taxable Industrial Revenue Bond (Affordable Solar Installation, Inc. Project), Series 2013" provided that in the Bond Ordinance the Council may designate a different Bond title, including but not limited to the Series designation. It is the intention of the Council that the Bond will be issued with a term of not exceeding twenty (20) years but the Council may increase such term in the Bond Ordinance to be adopted. This expression of the Council intent is conditioned upon the issuance of the Bond on or before five years from the date of the adoption of this Resolution.

Section 4. The Bond for the acquisition and construction of the Project shall be payable from the revenues derived from the lease of the property to be acquired with the proceeds of the Bond (the "Project Property" or "Leased Property") or other moneys payable by the Company, with respect thereto, and shall not constitute a debt or indebtedness of the City within the meaning of any provision or limitation of the Constitution or statutes of the State of New Mexico. In addition, if the Bond is issued, the Company shall indemnify and hold harmless the City, the Council and their respective officers, employees, designated representatives and agents (collectively, the "Indemnified Persons") from and against any liability to the Company, or to any third parties that may be asserted against the City with respect to the City's ownership of the Project Property. Nothing contained in this Resolution or in any other instrument shall be considered as obligating the City to any pecuniary liability or a charge upon the general credit of the City or against its taxing power, it being understood that no costs are to be borne by the City and that all costs incurred by the City in connection with the Bond are to be promptly reimbursed by the Company. The City's adoption of this Resolution shall not be deemed a conclusion or expression of approval by the City or any Indemnified Person of the Company or the Project.

Section 5. The Company, as agent for the City and consistent with Taxation and Revenue Department Regulation 3.2.212.22 NMAC (the "Regulation"), will acquire the Project. The Company may, consistent with New Mexico law and as agent for the City, apply to the Taxation and Revenue Department for Type 9 Nontaxable Transaction Certificates ("Certificates"). The Company will deliver a Certificate to each person selling tangible personal property to the Company for the Project as applicable under the New Mexico Gross Receipts and Compensating Tax Act and the Regulation. For this purpose, by adoption of this Resolution, the City authorizes the Company to act as agent for the City with respect to the acquisition of the Project. The Company shall not use the Certificates other than for the purchase of capital equipment and other tangible personal property, nor shall the Company use such Certificates after the completion of the Project. Prior to the use of such Certificates by the Company as agent for the City, the City Manager and the Company will agree to certain procedures regarding the use of the Certificates and protection of the City from any unfunded tax liability. This Resolution is intended to be an "inducement resolution" as that term is used in, and for the purposes of, the Regulation.

Section 6. The Council and other appropriate City officials and employees are hereby authorized and empowered to take such steps and to do such things as may be necessary to achieve the purposes of this Resolution; provided, however, the issuance of the Bond and the execution and delivery of any documents to which the City is a party in connection therewith shall be subject to the approval and authorization by the Council pursuant to the Bond Ordinance, to be adopted following public notice of the Council's intent to adopt such Bond Ordinance at least fourteen (14) days prior to the consideration of the Bond Ordinance by the Council at a public meeting, such public notice to specify the time, date and place of the Council's meeting. Such notice may be in substantially the form set forth in Exhibit B attached hereto. In particular, no provision of this Resolution shall in any way obligate the City or any other

person to issue the Bond, any other bonds or in any way finance the Project; and the City retains full and complete discretion with respect thereto.

Section 7. This Resolution shall not give rise to a pecuniary liability of the City and shall not give rise to a charge against its general credit or taxing powers.

Section 8. The issuance of the Bond and the execution and delivery of any documents to which the City is a party in connection therewith shall be subject to the approval and authorization by the Council pursuant to the Bond Ordinance following reasonable public notice of the time, date and place of the public hearing to be held on the proposed adoption of the Bond Ordinance. The City Manager is hereby authorized to put the consideration of the adoption of Bond Ordinance on the agenda of a Council meeting in accordance with City procedures and to provide the date and time of such meeting in the form of notice attached hereto as Exhibit B.

Section 9. The City Clerk is hereby authorized to publish notice of the title and a general summary of the subject matter of the Bond Ordinance, in substantially the form attached hereto as Exhibit B, one time in the *Deming Headlight*, a newspaper that maintains an office in the City of Deming and is of general circulation in the City of Deming, at least two weeks before the meeting of the Council at which the Bond Ordinance is to be adopted. This authorization is in compliance with Section 3-17-3 NMSA 1978.

Section 10. The City Manager is hereby authorized and directed to give notice of the City's intent to consider the Bond Ordinance for adoption, which notice shall be provided to the Board of Commissioners of Luna County and the Luna County Assessor so that comments can be transmitted by such entities to the City, such notice to be provided by certified mail, return receipt requested, at least 30 calendar days prior to the meeting at which final action is to be taken on the Bond Ordinance, as provided in Section 3-32-6.1(A) NMSA 1978.

Section 11. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 12. All orders and resolutions, or parts thereof, in conflict with this Resolution are hereby repealed; this repealer shall not be construed to revive any order, resolution or part thereof, heretofore repealed.

Section 13. The adoption of this Resolution shall not require any further action by the City regarding the issuance of the Bond or the terms and conditions of their issuance.

PASSED, ADOPTED, SIGNED AND APPROVED this 14th day of JANUARY, 2013.

CITY COUNCIL OF THE CITY OF DEMING, NEW MEXICO




Linda Franklin, Mayor Pro-Tem

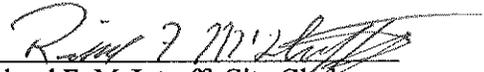

Richard F. McInturff, City Clerk

EXHIBIT A - THE PROJECT SITE
(Attach Project Site Map and Description)

EXHIBIT B

**FORM OF NOTICE OF INTENT TO ADOPT
INDUSTRIAL REVENUE BOND ORDINANCE FOR PUBLICATION
CITY OF DEMING, NEW MEXICO
NOTICE OF INTENT TO ADOPT INDUSTRIAL REVENUE BOND ORDINANCE**

Notice is hereby given of the title and general subject matter contained in an ordinance which the City Council of the City of Deming, New Mexico will consider for adoption at a regular meeting on _____ at the hour of _____ a.m./p.m. at the City Council Chambers, 309 S. Gold Avenue, Deming, New Mexico, relating to the authorization, issuance and sale by the City of Deming, New Mexico of its industrial revenue bond.

The title of the proposed Ordinance is:

AUTHORIZING THE ISSUANCE AND SALE OF AN INDUSTRIAL REVENUE BOND ENTITLED CITY OF DEMING, NEW MEXICO TAXABLE INDUSTRIAL REVENUE BOND (AFFORDABLE SOLAR INSTALLATION, INC. PROJECT), SERIES 2013, IN AN AGGREGATE PRINCIPAL AMOUNT OF UP TO \$4,000,000 IN CONNECTION WITH A SOLAR ENERGY GENERATING SYSTEM LOCATED WITHIN THE INCORPORATED LIMITS OF THE CITY OF DEMING, NEW MEXICO; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, A LEASE, A BOND PURCHASE AGREEMENT, THE BOND AND OTHER DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BOND AND THE PROJECT; MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO THE BOND AND THE PROJECT; RATIFYING CERTAIN ACTIONS TAKEN PREVIOUSLY; AND REPEALING ALL ACTIONS INCONSISTENT WITH THIS ORDINANCE.

A general summary of the Ordinance (the "Ordinance") is contained in its title.

This notice is given pursuant to Section 3-17-3 NMSA 1978.

DATE: 12-18-12
 DWG BY: JM
 REVISIONS:
 PROJECT

PLANNING/DESIGN/CONSTRUCTION/OPERATION/MAINTENANCE/REPAIR/RECONSTRUCTION/DEMOLITION/RECYCLING/OTHER:
 SCALE: 1" = 200'
 SHEET

CITY OF DEMING
 Office (505) 346-8848
 309 S Gold, P.O. Box 706
 Deming, NM 88031
 Fax (505) 346-6442

EXHIBIT C
BILBO WELL
 SHEET

ANDERSON
BOOK 204, PAGE 910

DEMING PUBLIC SCHOOLS
RECEPTION NO. 2003-01331

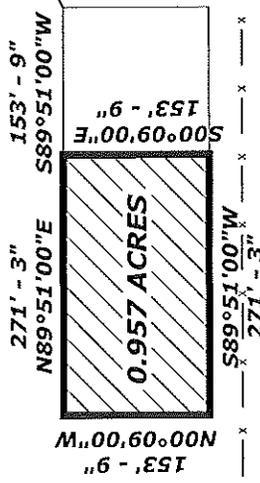
BASIS OF BEARING:
N89°55'38"W ALONG THE
SOUTH LINE OF THE NE1/4
OF SECTION 5 AS PER DEED

E1/4 CORNER SECTION 5
FND. #5 STEEL ROD, LS 5983

N89°55'38"W

S64°33'58"W 903.18'

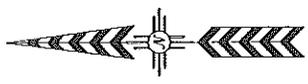
CITY OF DEMING
BOOK 150, PAGES 521-40



Description

A tract of land situate in the NE1/4 SE1/4 of Section Five (5), Township Twenty-four South (T24S), Range Nine West (R9W) of the N.M.P.M. in Luna County, New Mexico, being more particularly described as follows:

Beginning at a no. 5 steel rod at the east quarter corner of said Section 5; Thence S64°38'58"W a distance of 903.18 feet to a point; Thence S89°51'00"W a distance of 153.75 feet to the northeast corner of the tract herein described and new Point of Beginning; Thence S00°09'00"E a distance of 153.75 feet to the southeast corner of this tract; Thence S89°51'00"W a distance of 271.25 feet to the southwest corner of this tract; Thence N00°09'00"W a distance of 153.75 feet to the northwest corner of this tract; Thence N89°51'00"E a distance of 271.25 feet to the point of beginning. This tract contains 0.957 acres, more or less.



Scale 1" = 200'

SECTION 5
SECTION 4

ANDERSON
 BOOK 204, PAGE 910

DEMING PUBLIC SCHOOLS
 RECEPTION NO. 2003-01331

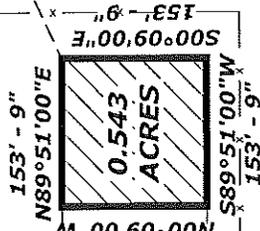
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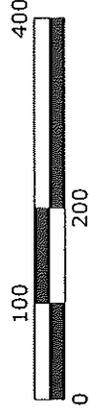
CITY OF DEMING
 BOOK 150, PAGES 521-40



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Scale 1" = 200'

SECTION 5
 SECTION 4